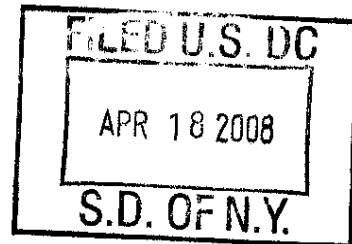


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



BIRMINGHAM ASSOCIATES LTD,

Plaintiff,

— against —

ABBOTT LABORATORIES,

Defendant.

07 Civ. 11332 (SAS)

NOTICE OF APPEAL

Notice is hereby given that plaintiff Birmingham Associates Ltd. hereby appeals to the United States Court of Appeals for the Second Circuit from the Opinion and Order, entered on April 14, 2008, and from the Judgment thereupon granting the motion of defendant Abbott Laboratories to compel arbitration and dismissing this action, entered on April 15, 2008.

Dated: New York, New York
April 18, 2008

DECHERT LLP

By: 

Daniel C. Malone
Robert A. Cohen
Ross L. Hirsch
Eric C. Kirsch

30 Rockefeller Plaza
New York, New York 10112
(212) 698-3500
(212) 698-3599 (fax)
daniel.malone@dechert.com

Attorneys for Plaintiff Birmingham Associates, Ltd.